

# House File 777 - Enrolled

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HOUSE FILE 777

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1 4 AN ACT  
1 5 RELATING TO TESTING A PERSON FOR CONTAGIOUS OR INFECTIOUS  
1 6 DISEASE IF THE PERSON ASSAULTS A PERSON BY EXCHANGING OR  
1 7 ATTEMPTING TO EXCHANGE BODILY FLUIDS, AND PROVIDING A  
1 8 PENALTY.  
1 9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 10  
1 11 Section 1. Section 356.48, Code 2005, is amended to read  
1 12 as follows:  
1 13 356.48 REQUIRED TEST.  
1 14 1. A person confined to a jail or in the custody of a  
1 15 peace officer, who bites another person, who causes an  
1 16 exchange of bodily fluids with another person, or who causes  
1 17 any bodily secretion to be cast upon another person, shall  
1 18 submit to the withdrawal of a bodily specimen for testing to  
1 19 determine if the person is infected with a contagious or  
1 20 infectious disease as defined in section 141A.2. The bodily  
1 21 specimen to be taken shall be determined by the attending  
1 22 physician of ~~that the~~ jail or the county medical examiner.  
1 23 The specimen taken shall be sent to the state hygienic  
1 24 laboratory at the state university at Iowa City or some other  
1 25 laboratory approved by the Iowa department of public health.  
1 26 If a person to be tested pursuant to this section refuses to  
1 27 submit to the withdrawal of a bodily specimen, ~~application may~~  
1 28 ~~be made by the sheriff, or person in charge of the jail to, or~~  
1 29 ~~any potentially infected person may file an application with~~  
1 30 ~~the district court for an order compelling the person that may~~  
1 31 ~~have caused an infection to submit to the withdrawal and, if~~  
1 32 ~~infected, to receive available treatment. An order~~  
1 33 ~~authorizing the withdrawal of a specimen for testing may be~~  
1 34 ~~issued only by a district judge or district associate judge~~  
1 35 ~~upon application by the sheriff, or person in charge of the~~  
2 1 ~~jail, or any other potentially infected person.~~  
2 2 2. A person who fails to comply with an order issued  
2 3 pursuant to this section is guilty of a serious misdemeanor.  
2 4 3. Personnel at the jail shall be notified if a person  
2 5 confined is found to have a contagious or infectious disease.  
2 6 4. The sheriff, or person in charge of the jail, or any  
2 7 other potentially infected person shall take any appropriate  
2 8 measure to prevent the transmittal of a contagious or  
2 9 infectious disease to other persons, ~~including the segregation~~  
2 10 ~~of. The sheriff or person in charge of the jail shall also~~  
2 11 ~~segregate a confined person who tests positive for acquired~~  
2 12 ~~immune deficiency syndrome from other confined persons.~~  
2 13 ~~For purposes of this section, "infectious disease" means~~  
2 14 ~~any infectious condition which if spread by contamination~~  
2 15 ~~would place others at serious health risk.~~  
2 16 5. For purposes of this section, "potentially infected  
2 17 person" includes a care provider as defined in section 139A.2.  
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2 21 \_\_\_\_\_  
2 22 CHRISTOPHER C. RANTS  
2 23 Speaker of the House  
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2 26 \_\_\_\_\_  
2 27 JOHN P. KIBBIE  
2 28 President of the Senate  
2 29 I hereby certify that this bill originated in the House and  
2 30 is known as House File 777, Eighty-first General Assembly.  
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2 34 \_\_\_\_\_  
2 35 MARGARET THOMSON  
Chief Clerk of the House  
3 1 Approved \_\_\_\_\_, 2005  
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3 5 \_\_\_\_\_  
THOMAS J. VILSACK

